

**FILED**

January 29, 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**United States Court of Appeals  
for the Fifth Circuit**

BY: klw  
DEPUTY

---

No. 23-50632

---

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GREG ABBOTT, *in his capacity as Governor of the State of Texas*; STATE  
OF TEXAS,

*Defendants—Appellants.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:23-CV-853 DAE

---

Before RICHMAN, *Chief Judge*, and KING, JONES, SMITH, STEWART,  
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,  
HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS and  
RAMIREZ, *Circuit Judges*.

PER CURIAM:<sup>1</sup>

---

<sup>1</sup> RICHMAN, *Chief Judge*, and JONES, SMITH, ELROD, SOUTHWICK, HAYNES,  
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON, *Circuit Judges*,  
voted to grant a stay pending appeal. KING, STEWART, GRAVES, HIGGINSON,  
DOUGLAS, and RAMIREZ, *Circuit Judges*, voted to deny a stay pending appeal.

IT IS ORDERED that Appellants' opposed motion for a stay of the district court's preliminary injunction pending appeal is GRANTED. *See* FED. R. APP. P. 8; *Nken v. Holder*, 556 U.S. 418, 434 (2009).

IT IS FURTHER ORDERED that the administrative stay previously issued by this court on September 7, 2023, is VACATED.